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Sirhan Prosecution Gives Up Right of Challenges

2 Weeks May Be Saved in Seating Jury

LOS ANGELES (AP) — The prosecution startled the Sirhan Bishara Sirhan murder trial Friday by giving up its right to challenge further the 11 jurors tentatively seated.

This means that a jury to try the 24-year-old Jordanian on charges of murdering Sen. Robert F. Kennedy could be permenently seated Tuesday, two weeks earlier than expected.

Superior Court Judge Herbert V. Walker called the prosecution's surrender of peremptory challenges "shocking." Permptory challenges can be made without giving a reason.

The chief defense attorney, Grant B. Cooper, was granted an adjournment until Tuesday. He said he needed time to consider seating the jury as now constituted.

"Don't be surprised at what happens Tuesday," Cooper told newsmen later. "We just might have a jury."

Prosecution and defense both have 19 of 20 peremptory challenges remaining.

If the defense waives its remaining challenges, the 11 jurors will be permanently seated.

Earlier Friday, Walker granted a prosecution challenge to the temporary seating of Alvina Alvidrez, a hardware store employe in her 30s. Mrs. Alvidrez said she couldn't vote for the death penalty under any circumstances.

The defense and presecution seated the 11th juror and prosecutors used their first peremptory challenge.

They dismissed Alicia Duke, an accountant with the state lands division and a divorcee. She was the center of brief excitement when the court heard her son was missing.

The 10-year-old boy was later found to have been at his grandmother's home, and prosecutors said the incident had nothing to do with their challenge.

The defense and the prosecution each have 20 peremptory challenges with which to dismiss any prospective juror without stating a reason.

Mrs. Alvidrez was challenged as a tentative juror Wednesday when she told the court that 'under no circumstances whatsoever" could she vote for a death penalty.

Sirhan's defenders, trying to keep him out of California's gas chamber, wanted her on the jury.

They cited a 1968 Supreme Court ruling known as the Witherspoon case, which held juries excluding persons opposed to capital punishment "constitute hanging juries."

But Judge Walker ruled Thursday that the Witherspoon case does not apply.

He granted the prosecution challenge, citing a week-old California Supreme Court ruling that a juror's unalterable opposition to the death penalty is "just and sufficient reason to be dismissed for cause."

Chief deputy prosecutor Lynn Compton said he expects the defense to use the ruling as the basis for an appeal should Sirhan be convicted of first-degree murder.

"Let the appellate court take it headon," Compton told newsmen in a corridor. "If they're going to dump the death penalty in California, let them do it on this case."

The beginning of peremptory challenges is usually reserved until a full tentative jury is seated.

But the 12th tentative juror, Helen Woodworth, a retired legal secretary, was seated only "conditionally" when she told the judge she has a health problem.

The attorneys decided to go ahead with peremptory challenges while awaiting a statement from Mrs. Woodworth's doctor.